



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,724	10/09/2001	Akihiko Toyoshima	50P4257.04	7817

36738 7590 08/15/2005

ROGITZ & ASSOCIATES
750 B STREET
SUITE 3120
SAN DIEGO, CA 92101

EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
----------	--------------

2687

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/974,724	Applicant(s) TOYOSHIMA, AKIHIKO	
	Examiner Thai N. Vu	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Appeal Brief, filed 06/03/2005, with respect to claims 1-3, 5-19, and 30 have been fully considered and are persuasive. The final rejection of claims 1-3, 5-19, and 30 has been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin et al. (U.S. Patent #: 6,694,430; hereinafter "Zegelin") in view of Lee et al. (U.S. Patent #: 6,728,531; hereinafter "Lee").

Regarding claim 1, Zegelin teaches an apparatus for managing data for a wireless device (FIG. 2), comprising:

a first memory for storing received data of a wireless device (FIG. 2, block 62; column 6, lines 1-22);

a second memory for storing a network operational file (FIG. 2, wireless module block 50, memory block 76, column 6, lines 33-40)

instruction means for operating the network operational file (FIG. 2, MAC layer chip block 70, column 6, lines 33-40).

It should be noticed that, Zegelin fails to clearly teaches the features of operational file consisting of instructions for selecting a destination using a wireless module of said wireless device, and

sending the received data using the wireless module to the selected destination wherein the instruction means sends the received data via a wireless path. However, Lee teaches such limitations in column 6, lines 12-13; column 7, lines 38-43; abstract; column 11, lines 48- 53; column 12, lines 39-49; and FIG. 1 (the device can be configured to select to transmit data to one of a servers on the network 30. The device also has the email capability. It is inherently understood that the information transmissions to the server include email transmissions, in which the server is an email server) for conveniently saving information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the steps of

operational file consisting of instructions for selecting a destination using a wireless module of said wireless device, and

sending the received data using the wireless module to the selected destination wherein the instruction means sends the received data via a wireless path to an email address associated with the selected destination, as taught by Lee, in view of Zegelin, in order to store user information at a safe location for later use.

It should be further noticed that Zegelin and Lee, in combination fails to teach the feature of email address associated with the selected destination. However, Lee teaches the system is able to send and receive email in column 7, lines 1-16 and column 11, lines 55-64.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of an email address associated with the selected destination, as taught by Lee in view of Zegelin, in order to facilitate sending and receiving information from different locations.

Regarding claims 2, Zegelin further teaches limitations of the claims in (FIG. 2, column 4, lines 36-45).

Regarding claims 3, Zegelin further teaches limitations of the claims in column 6, lines 33-40, (IEEE 802.11 is a wireless protocol which can be configured to connect to a desired server in a network)

Regarding claims 5, Lee further teaches limitations of the claims in column 12, line 39-49 (cellular phones are capable of transferring data in real time).

Regarding claims 6, Lee further teaches such limitations in FIG. 1, column 5, lines 47-62 and column 6, lines 42-51 (a host, over the internet, provides information to the multimedia device by transferring data over a wireless network)

Regarding claims 7, Lee further teaches limitations of the claim in column 6, lines 42-51 (digital audio is broadcasted in real time).

Regarding claims 8, Lee further teaches limitations of the claims in column 12, lines 39-49.

Regarding claims 9, Lee further teaches limitations of the claims in column 2, lines 17-35.

Regarding claims 10, Lee further teaches limitations of the claims in FIG. 2 (radio 100 built in multimedia player 160) and column 8, lines 28-53.

2. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte (U.S. Patent: 6,330,975; hereinafter "Bunte") in view of Lewis et al. (U.S. Patent #: 5,294,792; hereinafter "Lewis").

Regarding claim 30, Cook teaches a digital camera system comprising (abstract and FIG. 1):

- a digital camera (FIG. 9, camera 902);

- a wireless transceiver coupled to the camera (FIG. 9, wireless interface 948);

- a memory for storing digital photographs from the camera (column 18, lines 31-38), data being sent using the wireless transmitter to a remote location via a network router (FIG. 3, column 10, lines 27-31; data being sent via router 306).

It should be noticed that, Cook fails to teach the feature of data being automatically sent from the memory to a remote location by means of the wireless transmitter when an amount of data stored in the memory reaches a threshold. However, Lewis teaches such limitations in column 4, lines 42-46 for sending data when the memory is nearly full or full. The systems are designed for wireless portable devices having limited amounts of memory, therefore combinable.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of data being automatically sent from the memory to a remote location by means of the wireless transmitter when an amount of data stored in the memory reaches a threshold, as taught by, Lewis, in view of Bunte, in order to prevent data losses.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai N. Vu whose telephone number is 571-272-7928. The examiner can normally be reached on 9:00AM-7:00PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thai N. Vu
Examiner
Art Unit 2687


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER

7-25-05